

**ALASKA STATE LEGISLATURE
SENATE TRANSPORTATION STANDING COMMITTEE**

February 1, 2022

1:35 p.m.

DRAFT

MEMBERS PRESENT

Senator Robert Myers, Chair
Senator Mike Shower, Vice Chair
Senator Peter Micciche
Senator Jesse Kiehl

MEMBERS ABSENT

Senator Click Bishop

COMMITTEE CALENDAR

SENATE BILL NO. 168

"An Act relating to program receipts; and relating to the acceptance of gifts, donations, and grants for the purpose of providing signage for assets under the control of the Department of Transportation and Public Facilities."

- MOVED SB 168 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 168

SHORT TITLE: DONATIONS/GIFTS FOR DOT&PF SIGNAGE

SPONSOR(s): SENATOR(s) MYERS

01/21/22	(S)	READ THE FIRST TIME - REFERRALS
01/21/22	(S)	TRA, FIN
02/01/22	(S)	TRA AT 1:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

DAWSON MANN, Staff
Senator Robert Myers
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented the sectional analysis for SB 168 on behalf of the sponsor.

ANDY MILLS, Legislative Liaison
Department of Transportation and Public Facilities
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on SB 168 on behalf of the department.

ACTION NARRATIVE

[1:35:14 PM](#)

CHAIR ROBERT MYERS called the Senate Transportation Standing Committee meeting to order at 1:35 p.m. Present at the call to order were Senators Kiehl, Micciche, and Chair Myers. Senator Shower joined as the meeting was in progress.

SB 168-DONATIONS/GIFTS FOR DOT&PF SIGNAGE

[1:35:44 PM](#)

CHAIR MYERS announced the consideration of SENATE BILL NO. 168 "An Act relating to program receipts; and relating to the acceptance of gifts, donations, and grants for the purpose of providing signage for assets under the control of the Department of Transportation and Public Facilities."

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CHAIR MYERS, speaking as sponsor, explained that the legislature honors people through commemorative naming, but it has been problematic to fund the signage. SB 168 would provide a new avenue for funding by allowing the Department of Transportation and Public Facilities (DOTPF) to collect the funds from a third party for signage costs.

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DAWSON MANN, Staff, Senator Robert Myers, Alaska State Legislature, Juneau, Alaska, on behalf of the sponsor, paraphrased the sectional analysis for SB 168, which read:

[Original punctuation provided]:

Section 1: AS 37.05.146(c) Page 1, Lines 5-7
This section adds gifts, donations, and grants received by DOT&PF to the definition of program receipts and non-general fund program receipts found in the Fiscal Procedures Act in accordance with section 2 of this bill.

1:38:20 PM

Section 2: AS 44.42.060 Page 1, Lines 8-14, Page 2, Lines 1-3.

This section adds that the department may receive gifts, donations, and grants in accordance with a memorandum of understanding with the donor party. This section also outlines that the funds may not be used until the necessary funds have been collected from the donor.

Legislative research examined similar states that allow for their Departments of Transportation (DOT) to receive donations to aid the cost of certain signage, in ways similar to those in SB 168 currently being considered by the Alaska Legislature.

MR. MANN stated that there is a zero fiscal note.

1:39:29 PM

ANDY MILLS, Legislative Liaison, Department of Transportation and Public Facilities (DOTPF), Juneau, Alaska, stated that SB 168 would codify the process to allow third parties to pay for signage costs.

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SENATOR MICCICHE stated that sometimes organizations or individuals want to honor someone by naming a bridge or roadway after them, but the Department of Transportation and Public Facilities (DOTPF) incurs the costs for signage. Many organizations have expressed their willingness to donate funds for signage. He expressed his interest in allowing the organizations or individuals to do so but wondered if the department would have written the bill in this manner.

CHAIR MYERS explained that his direction to Legislative Legal Services was to keep the language as broad as possible to allow a nonprofit or for-profit business, fraternal organization, or another group to be the conduit for soliciting or collecting donations. The bill drafter suggested using "agency."

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SENATOR SHOWER joined the committee.

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SENATOR MICCICHE referred to the language on page 1, lines 11-12, which read "... a 12 memorandum of understanding agreed on by the donor and the department." He stated that an organization might collect the funds from its members and offer it as a lump sum. He envisioned that a community person might act as a clearinghouse for the donations. He wondered about the timing since the legislature might pass a commemorative bill with a fiscal note. This bill would allow donor participation, but the department could not start the work until the department received the donor funds. He asked if this would present a problem.

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MR. MILLS agreed that SB 168 was crafted to allow a third-party donor to cover costs for naming a bridge or roadway. However, the department would be responsible for the signage if the donors did not remit the funds. The language was written to ensure that the collection and receipt of funds would trigger the department's actions. He said it seemed logical for an organization to collect these funds. The department often designates an individual within an organization to represent and sign an MOU on the organization's behalf. He said he did not believe this language would bar that from happening.

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SENATOR SHOWER referred to page 1, lines 9-10, which read "a person or agency." He asked if this language would need to say a "person," "group," or use some other term that would not be limiting. He wondered how an "agency" would be defined.

MR. MILLS responded that he did not have the statutory definition for "agency." However, for third-party collections, the department would interpret "a person" to mean a person representing an organization who is collecting funds on behalf of an organization and signing the MOU. However, the department would not be opposed to the committee further defining it.

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SENATOR SHOWER commented that typically a nonprofit or other group would like to participate as a means of honoring a member of their group. He said the committee could clarify the intent language.

[1:46:03 PM](#)

CHAIR MYERS explained that his direction to Legislative Legal Services was to keep the language as broad as possible to allow a nonprofit or for-profit business, fraternal organization, or another group to be the conduit for soliciting and collecting donations. The bill drafter suggested "agency" would accomplish his goal.

SENATOR SHOWER stated that the record would reflect that was the sponsor's intent.

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SENATOR KIEHL acknowledged that it might be problematic if the sponsor had used "natural person" but since it says, "a person," it would also include a corporate or nonprofit corporation. He offered his belief that this would meet the sponsor's intent.

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CHAIR MYERS opened public testimony; finding none; he closed public testimony on SB 168.

CHAIR MYERS solicited amendments from members.

[1:47:57 PM](#)

SENATOR MICCICHE stated he did not have an amendment to offer. Still, if he had an amendment, he would add "organization" and change "by the donor" to "donor representative" or something similar. He acknowledged that the committee discussed the bill's intent on the record. He said it is clear that the committee intends a donor to mean, for example, an executive director of a veteran's group collecting for a particular reason. He supported Senator Kiehl's interpretation that a "person" could include an organization or a nonprofit. Although he would have written it differently, members and the department agree that this language would suffice.

[1:48:57 PM](#)

CHAIR MYERS solicited a motion.

[1:49:00 PM](#)

SENATOR SHOWER moved to report SB 168, work order 32-LS1212\A, from committee with individual recommendations and attached fiscal note(s).

CHAIR MYERS found no objection, and SB 168 was reported from the Senate Transportation Standing Committee.

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At ease

[1:52:15 PM](#)

CHAIR MYERS reconvened the meeting.

[1:52:37 PM](#)

There being no further business to come before the committee, Chair Myers adjourned the Senate Transportation Standing Committee meeting at 1:52:p.m.